

IN THE HIGH COURT OF GUJARAT AT AHMEDABAD

FIRST APPEAL No 6689 of 1999

to

FIRST APPEAL No 6749 of 1999

For Approval and Signature:

Hon'ble MR.JUSTICE M.S.PARIKH

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1. Whether Reporters of Local Papers may be allowed : NO
to see the judgements?

2. To be referred to the Reporter or not? : NO

3. Whether Their Lordships wish to see the fair copy : NO
of the judgement?

4. Whether this case involves a substantial question : NO
of law as to the interpretation of the Constitution
of India, 1950 of any Order made thereunder?

5. Whether it is to be circulated to the Civil Judge? : NO

SPECIAL LAND ACQUISITION OFFICER

Versus

PREMBHAI MURJIBHAI

Appearance:

MR KG SHETH Ld. AGP for Petitioners
MR AJ PATEL Ld. Advocate for respondent

CORAM : MR.JUSTICE M.S.PARIKH

Date of decision: 02/08/2000

ORAL JUDGEMENT

All these appeals arise from the impugned
judgment and order dated 21.4.1997 passed in Land

Reference Cases No. 528 to 536/91, 211 to 222/92, 246 & 247/92, 562 to 564/92, 613 to 622/92, 1655 to 1667/92, 1866 to 1875/92, 627 to 628/93, by the learned Assistant Judge, Bharuch.

Heard. All the aforesaid reference cases relate to acquisition of lands situated in Sulatnpura, Jaghadia, as particularised in the reference cases. The notification under sec. 4 of the Land Acquisition Act in respect of the said lands came to be published on different dates ranging from 5.10.89 to 28.6.90. The Special Land Acquisition Officer awarded compensation at the rate of Rs. 215/- per Are (Rs. 2.15/ per sq. mtr.) The claimants sought to the reference being made before the learned Assistant Judge, Bharuch. Upon appreciation of the evidence adduced in the reference cases, the trial court came to the conclusion that compensation was required to be enhanced by Rs. 6.70 per sq.mtr. (Rs. 670/ per Are) to Rs. 8.05 per sq.mtr. The trial court relied upon the sale instances of the lands bearing block no. 303, situated in Sultanpura village itself. The said instance reflected from sale-deed dated 15.10.87 ex. 12 shows that the land was sold at the rate of Rs. 700/ per Are (Rs. 7/ per sq.mtr.). The trial court appears to have considered reasonable increase in the value/price of the similar lands by passage of time.

Mr KG Sheth learned AGP tried to submit that there are no instances from which comparison could be made with the instance placed on record of the reference cases. In fact, that ought to have been done by the appellants. The trial court has dealt with the evidence at length with regard to the value of the lands in question. Besides, the claims for compensation are quite petty in nature, in any event, they are around Rs. 15,000/ in few cases, whereas much below Rs. 15,000/ in most of the cases. Hence, in the facts of the case, these appeals are not required to be entertained and they are accordingly dismissed with no order as to costs.

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